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Attorneys for Plaintiff and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AMITABHO CHATTOPADHYAY,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

SIMPLE FINANCE TECHNOLOGY
CORP. and BBVA USA, f/k/a COMPASS
BANK,

Defendants.

Case No. 4:19-cv-01541-JST

**PLAINTIFF'S RESPONSE TO
DEFENDANTS' REQUEST FOR A
REASONABLE BRIEFING SCHEDULE**

Judge: Hon. Jon S. Tigar
Location: Courtroom 6 – 2nd Floor

1 Plaintiff briefly responds to Defendant Simple Finance Technology Corp. and Defendant
 2 BBVA USA f/k/a Compass Bank (“Defendants”) Statement of Non-Opposition and Request for a
 3 Reasonable Briefing Schedule. ECF No. 67.

4 First, as Defendants did not and do not oppose Plaintiff’s motion for leave to amend the
 5 complaint, they should have so stipulated, saving the Court’s time and resources, rather than forcing
 6 Plaintiff to file a motion for the same relief. But given the current posture, Plaintiff respectfully
 7 requests that the Court enter an order granting Plaintiff leave to file the First Amended Complaint
 8 submitted as Exhibit A to Plaintiff’s motion. ECF 65.

9 Second, as to the briefing schedule, Plaintiff does not oppose a reasonable extension of the
 10 deadlines, as she told Defendants in the course of the parties’ meet and confers. But it should be
 11 noted that Plaintiff sent a copy of the proposed First Amended Complaint to Defendants on March
 12 16, 2020. *See* ECF 65-2, ¶ 3. Thus, in evaluating Defendants’ request to extend the deadline to
 13 respond from 21 days (*see* Fed. R. Civ. P. 12) to 60 days, the Court should consider that Defendants
 14 had already been in possession of the proposed First Amended Complaint for 39 days at the time of
 15 filing their request. Plaintiff therefore proposes the following briefing schedule, which balances
 16 Defendants’ need for extra time with the goal of “a just, speedy, and inexpensive determination of
 17 every action.” Fed. R. Civ. P. 1.

- 18 • A response to the First Amended Complaint within 30 days of the date it is filed;
- 19 • Opposition(s) to any Rule 12 motions filed within 21 days after they are filed; and
- 20 • Reply briefs within 14 days of any opposition brief.

21 Plaintiff thanks the Court for its attention to this matter.

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1 Dated: April 27, 2020

Respectfully submitted,

2 /s/Anne B. Shaver

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CERTIFICATE OF SERVICE

I, hereby certify that on April 27, 2020, I electronically filed the foregoing document using CM/ECF system, which will send notification of such filing to all counsel of record registered in the CM/ECF system.

/s/ Anne B. Shaver
Anne B. Shaver